

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

Cristobal Garcia	§	
	§	
v.	§	C.A. NO. C-05-564
	§	
BankAmerica Housing Services, et al.	§	

MEMORANDUM OPINION AND ORDER OF DISMISSAL

On April 5, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 20). Objections were timely filed (D.E. 21). Plaintiff argues in his objections that he has stated a federal claim under 12 U.S.C. § 503. Plaintiff is incorrect; he did not state this claim in his complaint (D.E.1) or in his amended complaint (D.E. 8). Although plaintiff recited a number of federal statutes (verbatim) in his complaint, most of the statutes are criminal in nature and none provide plaintiff with a civil action. Plaintiff does not have diversity jurisdiction because he has brought claims against in-state defendants. The remainder of plaintiff's objections are without merit. Therefore, having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge that the Court does not have subject matter jurisdiction.

Accordingly, defendant's motion to dismiss (D.E. 12) is granted. Plaintiff's motion for entry of default (D.E. 29) and plaintiff's motions for a hearing (D.E. 23, 31) are denied as moot.

ORDERED this 29 day of September, 2006.


HAYDEN HEAD
CHIEF JUDGE